

CHITIMACHA TRIBE OF LOUISIANA

TITLE X - ELECTION RULES AND REGULATIONS

PREAMBLE

This Election Ordinance is hereby established by the Chitimacha Tribal Council pursuant to the authority delegated by Article VI, Section 3 of the Constitution and ByLaws of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 1. TRIBAL ELECTION

Sec. 101. Primary Election.

Tribal Elections. The Tribal primary election will be held annually on the second Saturday in June. Absentee voting will begin three (3) weeks prior to the primary election until the close of the primary election day. An absentee ballot must be received on or before the primary election day in order to be counted. On said date, the Chairman and Vice-Chairman will be elected in odd years for two (2) year terms; and the Secretary-Treasurer and two (2) Council Members will be elected in even years for two (2) year terms.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Chitimacha Board of Education Elections. Five (5) Board of Education Members will be elected. Three (3) will be elected in even years for two (2) year terms and two (2) will be elected in odd years for two (2) year terms. The Chitimacha Board of Education elections shall be held on the same date as the Tribal elections.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 102. Runoff Elections.

Chairman, Vice-Chairman, & Secretary-Treasurer. If at any primary election, no candidate for the Tribal Office of Chairman, Vice-Chairman, or Secretary-Treasurer receives a simple majority of all votes cast for the candidates for such office, then a runoff election will be declared between the two (2) candidates receiving the highest number of votes. For the purpose of this Section, “simple majority” means at least one (1) more vote than one-half (1/2) of all votes cast.

Council Members. If at any primary election for two (2) Council Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, there shall be a runoff election among no more than four (4) candidates receiving the most votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, that person shall be declared the winner of one (1) Council Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Council Member position.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, those two (2) candidates shall each be declared the winner of the two (2) Council Member positions, and no runoff election shall be held.

(d) more than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, the candidate receiving the highest number of votes shall be declared the winner of one (1) Council Member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

Board of Education.

(1) **Odd years:** If at any odd year primary election for two (2) Board of Education Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, there shall be a runoff election among no more than four (4) candidates receiving the most votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, that person shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Chitimacha Board of Education Member position.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, those two (2) candidates shall each be declared the winner of the two (2) Chitimacha Board of Education Member positions, and no runoff election shall be held.

(d) more than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, the candidate receiving the highest number of votes shall be declared the winner of one (1) Chitimacha Board of Education Member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

(2) **Even Years:** If at any even year primary election for three (3) Chitimacha Board of Education Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, there shall be a runoff election among no more than five (5) candidates receiving the most votes. The three (3) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 517, that person shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the four (4) candidates who received the next highest number of votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winner of the remaining two (2) Chitimacha Board of Education Member positions.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, each of those two (2) candidates shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Chitimacha Board of Education Member position.

(d) three (3) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, those three (3) candidates shall each be declared the winner of the three (3) Chitimacha Board of Education Member positions, and no runoff election shall be held.

(e) more than three (3) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 517, the candidate receiving the highest number of votes shall be declared the winner of one (1) Chitimacha Board of Education Member position. There shall be a runoff election among the remaining majority candidates. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners of the two (2) remaining Chitimacha Board of Education Member positions.

Timing for Runoff Elections. Runoff elections shall be held on the second Saturday in July.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 103. Special Elections.

Special elections shall be held on dates specified by the Chitimacha Tribal Council. The date shall be no less than thirty (30) days from receipt by the Chitimacha Tribal Council of a valid petition.

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 2. ELECTION BOARD

Sec. 201. Chitimacha Tribal Election Board Members.

The Chitimacha Tribal Election Board shall be composed of three (3) members and one (1) non-voting member.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 202. Appointment of Members.

Chitimacha Tribal Election Board members shall serve for a term of four (4) years. No appointment will have the same expiration date. Each year, the Chitimacha Tribal Council will have the discretion to either reappoint the member whose term is expiring or select a new member to fill the position. Any newly appointed member will then serve as the non-voting member on the Chitimacha Tribal Election Board the first year. If the Chitimacha Tribal Council re-appoints an existing member and there is no newly appointed member, the Chitimacha Tribal Election Board shall elect its officers in accordance with Section 203. The non-voting member shall only vote if another Chitimacha Tribal Election Board member is absent or resigns from the Chitimacha Tribal Election Board. In the event a position on the Chitimacha Tribal Election Board is vacated prior to the expiration of the applicable term, the Chitimacha Tribal Council shall appoint an individual to serve in this specific capacity for the remainder of the unexpired term.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 203. Election of Officers.

At the first meeting for each year, to be held no later than the third Monday in March, the Chitimacha Tribal Election Board will elect from its members a Chairman and Secretary.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 204. Election Board Duties.

The Chitimacha Tribal Election Board shall perform such duties as prescribed by this Ordinance and any additional rules and regulations prescribed by the Chitimacha Tribal Council. These duties include, but are not limited to, the following:

- (a) Ensure all records of the Chitimacha Tribal Election Board are kept in a safe and secure designated location of the Chitimacha Tribal Election Board.
- (b) Designate dates for filing for candidates and conduct of election(s) where such date is not specified in this Ordinance;
- (c) Post notice of election, register voters, maintain and update voter records, certify candidates;
- (d) The Chairman or Secretary of the Chitimacha Tribal Election Board shall send a formal letter to the Louisiana Secretary of State's Office to request the use of voting machines and complete necessary forms to include candidates' names on ballots of the voting machines. Upon completion of the ballots with the Louisiana Secretary of State, the Chairman or Secretary of the Chitimacha Tribal Election Board shall review the ballot for accuracy of the candidates' names and respond accordingly with approval to the Louisiana Secretary of State's Office. In the event of an election runoff, this process shall be repeated.
- (e) Prepare and secure ballots, set up and manage polling place and secure ballot box and/or voting machine(s), verify eligible voters, count votes, declare winners and/or runoff candidates;

- (f) Report results to the public, Chitimacha Tribal Council, and Bureau of Indian Affairs and Louisiana Secretary of State's Office;
- (g) Set up and manage special elections and referendums.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-90; Adopted: March 4, 1993; Effective: March 4, 1993; (Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 205. Qualifications of Chitimacha Tribal Election Board Members.

No Election Board Member shall be a member of the Chitimacha Tribal Council, Chitimacha Board of Education, or any other elected Chitimacha Tribal Office. All Chitimacha Tribal Election Board Members must be an enrolled member of the Chitimacha Tribe of Louisiana, possess a high school diploma or G.E.D., and be at least eighteen (18) years of age at the time of their appointment to the Chitimacha Tribal Election Board.

Oath. All Chitimacha Tribal Election Board Members shall take an oath to be prescribed by the Chief Judge of the Chitimacha Tribal Court or his/her designee before assuming their duties.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #2-00; Adopted: May 18, 2000; Effective: May 18, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 206. Removal of Chitimacha Tribal Election Board Members.

The Chitimacha Tribal Council shall have the authority to remove any member of the Chitimacha Tribal Election Board for repeated failure to attend meetings of the Chitimacha Tribal Election Board or other gross neglect of the duties enumerated in Sec. 204.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 207. Compensation for Board Members.

Compensation of the Chitimacha Tribal Election Board Members shall be fixed by Chitimacha Tribal Council.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 208. Election Board Member Filing for Office.

Chitimacha Tribal Election Board Members must resign their position on Chitimacha Tribal Election Board prior to filing for candidacy for any elective office. If a Chitimacha Tribal Election Board Member resigns to seek another elected position, the Chitimacha Tribal Council will appoint a new member to serve the remaining term pursuant to Sec. 202.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 209. Publication of Notice of Election.

On the fourth Monday in March before a primary election, the Chitimacha Tribal Election Board shall cause a “Notice of Election” to be posted at all Chitimacha Tribal Offices. The notice shall be published in the Chitimacha Tribal Newsletter, if time permits, and any other publications as directed by the Chitimacha Tribal Council. The notice shall set forth the date of election, the respective office, times, location of election, and the times during which polling place will be open for voting.

The Chitimacha Tribal Election Board shall post a notice of a special election at least thirty (30) days before the date of the special election unless the Chitimacha Tribal Council authorizes a shorter notice period. Notice of runoff elections shall be posted at the same time the primary results are posted (see Section 520).

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 210. Reimbursement for Training.

Any Chitimacha Tribal Election Board Member may receive specified training regarding his/her Board responsibilities. If a Chitimacha Tribal Election Board Member resigns within one (1) year of receiving such training, that Chitimacha Tribal Election Board Member may be required to pay the cost of such specified training, including all related expenses.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 3. VOTER QUALIFICATIONS; REGISTRATION

Sec. 301. Persons Qualified to Vote.

Every person who is or will be eighteen (18) years of age or over at the date of voter registration and is an enrolled Chitimacha Tribal Member as defined by Article III, Section I of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, shall be entitled to become a registered voter for the Chitimacha Tribal Elections, without regard to residency on the Chitimacha Reservation, with the exception of Article VI, Sec. II of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 302. Voter Registration.

All persons who vote in Chitimacha Tribal Elections must be registered to vote. Once registered, a person does not need to re-register to vote in future elections unless they have been removed from the voter registry pursuant to Section 305. In order to vote in the Chitimacha Tribal Elections in any year, voters not previously registered must register at least three (3) weeks prior to the primary in that year. Voter registration will be permitted throughout the primary and run-off election, but only previously registered voters can vote in the primary and runoff election for that year. The Chitimacha Tribal Election Board shall be authorized to designate a time and place within the Chitimacha Tribal Office Complex in which to register voters. Any one of the Chitimacha Tribal Election Board Members shall be available to register voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 303. Registration Forms.

The Secretary of the Chitimacha Tribal Election Board shall devise or cause to be devised a registration form to be used for registering voters. The form shall contain enough information to determine name, age, sex, residence, mailing address, and Tribal membership.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 304. List of Registered Voters.

The Secretary of the Chitimacha Tribal Election Board shall maintain a list of registered voters in alphabetical order.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 305. Cancellation of Registration.

A voter may voluntarily have his/her name removed from the voter registry by written notice. A voter may reinstate his/her voter registration at any time but only in compliance with Section 303.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 306. Change of Voter Registration Information.

Any registered voter who changes his/her residence, mailing address or other registration information shall inform the Chitimacha Tribal Election Board or Registrar of the change.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 4. QUALIFICATIONS OF CANDIDATES; FILINGS

Sec. 401. Eligible Candidates.

(a) All Chitimacha Tribal Council candidates must be twenty-one (21) years of age as of the date of filing for candidacy and an enrolled member of the Chitimacha Tribe of Louisiana as stated in Article V, Section 2 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana. All candidates for Officer Positions, i.e., Chairman, Vice-Chairman and Secretary/Treasurer of the Chitimacha Tribal Council must be actual residents of the Chitimacha Reservation. Notwithstanding any other provision of this Ordinance, residency on the Chitimacha Reservation shall be established for not less than one (1) continuous year (twelve (12) consecutive months) prior to the filing for an Officer position.

(b) All candidates filing for Officer Positions must provide at least three (3) of the following documents verifying the establishment of one (1) year's actual residence on the Chitimacha Reservation: a valid Driver's License with current physical address; an Electric, Gas, Water or, Land-line Telephone bill in the candidate's name; verification from the Chitimacha Tribal Enrollment Office (or Chitimacha Housing Authority if applicable); a bank statement in the candidate's name; any school enrollment form(s) (involving candidate or candidate's minor child); a land lease, land assignment, lease or rental agreement or any other documentation showing that the candidate feels supports proof of actual residency and has lawful authority to reside at that address. A candidate's documentation, when taken as a whole, must prove that the candidate's actual physical residence was on the Chitimacha Reservation for not less than twelve (12) continuous months prior to the date the candidate files for an Officer position.

(c) In addition to the three (3) required forms of documentation described in (b) above, a candidate shall provide a notarized Affidavit of the candidate certifying that their actual physical residence is then and has (for the preceding twelve (12) months) been located on the Chitimacha Reservation.

(d) It shall be the candidate's responsibility to report updated address information to the Chitimacha Tribal Election Board, to obtain the required documents for proof of residency, and to turn the documents in at the time of filing. All candidates must prove residency upon filing. Additional documentation shall not be accepted after the initial filing for candidacy.

(e) Candidates for the Chitimacha Board of Education must be in accordance with the By-Laws of the Chitimacha Board of Education.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-00; Adopted: February 17, 2000; Effective: February 17, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 402. Candidate Filing and Filing Period.

A petition of candidacy must be filed with the Chitimacha Tribal Election Board, along with a fee in an amount determined by the Chitimacha Tribal Election Board. The petition of candidacy must state the name of the candidate, the applicant's mailing address, the name of the office sought, verification of voter registration, age, Tribal membership, and place of residence as required by Sec. 401. The petition must be filed between the first Monday in April and close of business at 11:30 a.m. on the Friday immediately following. Petitions shall be received during the designated hours at the designated Chitimacha Tribal Office. There will be no exceptions allowed for a late petition of candidacy filed.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 403. Candidate May File for and Hold Only One Office.

Candidates may file for no more than one (1) office at a time and may only hold one (1) elected position at any one (1) time. Any candidate for a Tribal Office who presently holds an elected position must resign his/her position before filing for another position other than the position held regardless of whether the term for his/her current

position will expire by the time of the election. The Chitimacha Tribal Council will fill the vacated positions as provided in Sections 601 and 602.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 404. Certificate of Candidacy.

(a) The Chitimacha Tribal Election Board shall review all applications for candidacy to determine if the candidate meets all qualification criteria in Sections 401, 402, and 403 of this Ordinance. If the Chitimacha Tribal Election Board determines that any Tribal Council or Board of Education candidate is qualified, it shall issue a signed Certificate of Candidacy to the candidate within seven (7) days of the filing deadline.

(b) A decision of the Chitimacha Tribal Election Board under this Section may be appealed to the Chitimacha Tribal Court. Such appeal must be filed with the Chitimacha Tribal Court within seven (7) days of the issuance of the decision. A decision of the Chitimacha Tribal Election Board shall only be reversed upon a finding of gross abuse of discretion. The Chitimacha Tribal Court may not issue a stay of the election pending the appeal, but may order a new election to be held as a remedy.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 405. Withdrawal of Candidacy.

Any candidate may withdraw his/her candidacy upon filing a written notice of withdrawal as a candidate with any member of the Chitimacha Tribal Election Board. A candidate may not withdraw after absentee voting begins.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 406. Chitimacha Board of Education Candidates.

The qualifications of Chitimacha Board of Education candidates shall be as set forth in the Chitimacha Board of Education By-Laws.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990) (Sections 408 and 409 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990) (Sections 404 Omitted by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010) (Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 5. CONDUCT OF ELECTIONS

Sec. 501. Polling Place; Hours of Voting.

At every primary, runoff, and special election, the polling place shall be a designated Tribal Office. The polling place will be open at 8:00 a.m. and shall remain open continuously until 6:00 p.m. and every qualified registered voter of the Chitimacha Tribe of Louisiana who presents himself/herself between said hours shall be entitled to vote. All qualified voters who are in line waiting to vote at 6:00 p.m. shall be allowed to vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 502. Ballot Boxes or Voting Machines

(a) **Ballot Boxes.** There shall be two (2) ballot boxes, one (1) for absentee voters and one (1) for other voters. The ballot boxes shall be constructed of substantial material and shall be equipped with two (2) locks interlocked so one (1) lock will not open the ballot box. At all times, unless otherwise specified herein, all keys are to be secured at the Chitimacha Tribal Courts Building or Chitimacha Tribal Police Department by either the Clerk of Court or his/her designee and the keys shall not be kept at the same location as the ballot box during election time. Each box shall be equipped with an opening in the top through which a ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed. In the event of a voting machine malfunction, ballot boxes may be used.

(b) **Voting Machines.** When available, voting machines may be used. The State of Louisiana Election Equipment Rules and Regulations will apply for use of voting machines.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18,

2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 503. Voting Booth

The Secretary of the Chitimacha Tribal Election Board shall cause at least one (1) voting booth to be equipped at the polling place. Said booth(s) shall be constructed so as to ensure the secrecy and ease for the voter in marking the ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 504. Opening Ballot Boxes.

In the event voting machines are not available for use on Election Day, the following procedure will be utilized. When the polling place is ready to open, the Chitimacha Tribal Election Board Chairman and Secretary shall open the non-absentee ballot box at the polling place in view of the Chitimacha Tribal Election Board and any registered voters at the polling place.

The Chitimacha Tribal Election Board Secretary shall turn the said box top down to show that no ballots are contained therein. The Chairman and Election Board Secretary shall then lock the box and place it in the proper location.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 505. Prohibited Campaigning.

No person shall be allowed to campaign within three hundred (300') feet of any ballot box or polling place while an election is in progress. "Campaigning" and "campaign" as used in this Section shall include, but not be limited to, displaying campaign signs, literature, bumper stickers, and clothing containing a candidate's name or campaign signs or slogans. Campaigning to a Chitimacha Tribal Election Board Member in any manner whatsoever shall be prohibited. Persons violating this campaigning prohibition shall be asked to remove the campaign material or may be required to leave the premises.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013 Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 506. Security of Polling Place.

(a) The Chitimacha Tribal Election Board may appoint one (1) or more persons to serve as “Bailiff” at the polling place to ensure security of the polling place and proper conduct of all elections.

(b) The duties of the Bailiff are:

- (1) keep the peace and protect the polling place by preventing improper intrusions upon the polling place or interference in the election;
- (2) see that persons desiring to vote have unobstructed access to the voting place;
- (3) arrest (if a properly deputized law enforcement officer) or remove all persons creating any disturbance about the polling place and to summon to his/her aid, all persons at the voting place;
- (4) see that no candidate or other person campaigns within three hundred (300’) feet of the ballot box or polling place as prohibited in Sec. 505.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 507. Confidentiality of Tribal Information.

No Tribal supplies, equipment, or confidential information may be used by any candidate for any Tribal political office for his/her individual benefit. Confidential information shall include, but not limited to, addresses, telephone numbers, and e-mail addresses of Chitimacha Tribal Members as contained in the list of all enrolled Chitimacha Tribal Members eighteen (18) years and older which is maintained at the Chitimacha Tribal Office.

No email address or the mailing address list of the Chitimacha Tribe of Louisiana may be used by a candidate, their designee or agent, for political purposes unless the address owner has approved of such use.

The Chitimacha Tribal Election Board maintains the list of registered voters and may disseminate addresses to eligible candidates once a Certificate of Candidacy has been issued for an upcoming election.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 508. Penalty.

Anyone found in violation of Section 506 and 507 of this Ordinance is subject to a hearing before the Chitimacha Tribal Election Board with an appropriate sanction to be given to include a fine of up to five hundred dollars (\$500.00) and possible disqualification from office sought in the election. Said fine will be due within thirty (30) days of issuance. Failure to pay a fine may cause imposition of additional penalties and interest and disqualify such individual from running for any future offices.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 509. Intoxicating Liquor Prohibited.

No Person shall take intoxicating liquors of any kind or quantity to within three hundred (300') feet of the exterior door of the polling place. Intoxicating liquors will not be sold from businesses within three hundred (300') feet from the polling place during voting hours.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 510. Voter Must Vote Ballots Issued Him/Her.

When written ballots are utilized, no person shall vote any ballot except the ballot issued to that voter by the designated election worker(s) and each ballot must be voted without removing same from polling place, except as stated in Section 702 of this Ordinance. Only one (1) person will be allowed in the voting booth at any time except in cases of illiteracy, handicap or minor children with parents.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 511. Procedure for Determining Eligibility.

Each person seeking to vote shall tell his/her name to the polling place designated worker(s), whereupon the designated worker shall determine whether that person is on the list of registered voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 512. Identification of Voter.

Polling place worker(s) shall determine the identity of a voter by requesting identification such as a valid driver's license or other form of valid identification. "Valid identification" for purposes of this Section shall mean unexpired photo identification. Any identification that does not contain a photo of the voter shall be considered invalid. All identification must be Tribal, Federal, or State issued. A voter who fails to produce a valid form of identification will not be allowed to vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 513. Signing of the Poll Book.

Persons who have been determined to be eligible to vote shall sign the poll book in the presence of a polling place worker.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

Sec. 514. Manner of Voting.

When available, voters shall cast their ballots by machine in accordance with the operating procedures. However, if not available, each voter shall be given a ballot which shall be completed as specified, and placed in the designated ballot box. In any case, all persons must present valid identification prior to being given access to the voting machine or a ballot for completion. For the purpose of this Ordinance, "*Valid Identification*" shall be as defined herein in Section 512 and Section VIII of the Chitimacha Tribal Election Policies and Procedures.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01;

Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 515. Spoiled Ballots.

Any voter who spoils a ballot shall be entitled to a new ballot upon surrender of the spoiled ballot to the board. No voter shall receive more than one (1) additional ballot. An Election Board Member shall place the name of the voter and Chitimacha Tribal Election Board Member's initials on the back of the spoiled ballot. All ballots voluntarily surrendered due to spoliation shall be secured separately in an envelope.

After the polls close the Secretary shall, upon removing ballots from the box, determine which ballots are spoiled. The determination of whether or not a ballot is spoiled shall be within the sole discretion of the Chitimacha Tribal Election Board. That discretion shall be exercised such that no ballot shall be considered spoiled if the intent of the voter is clear. Spoiled ballots shall not be counted. All spoiled ballots shall be kept in a separate envelope, securely sealed, marked "**SPOILED BALLOTS**". All spoiled ballots shall be retained until the time period for contest of count has expired.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 516. Procedure for Counting.

The count shall be conducted in the presence of Chitimacha Tribal Election Board members and, as witnesses only, the Clerk of Court, his/her designee, or a Chitimacha Tribal Police Officer. The person serving as a witness must not be a member of the immediate family of any candidate seeking office. The witness shall not participate with the Chitimacha Tribal Election Board in the counting of the ballots. No person other than the Chitimacha Tribal Election Board Members shall touch or handle ballots during the count. The count shall be continued without adjournment until completed. Counting will be done at the designated polling place beginning immediately after 6:00 p.m. on the day of the election.

The Chitimacha Tribal Election Board's Chairman and Secretary will open the ballot box. The Secretary will remove the ballots from the box. The Secretary will then hand the ballot to the Chairman who will read out loud the names of candidates marked on the ballot. Two (2) persons will tally votes with a pencil on separate official tally sheets.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 517. Formula for Determining Majority.

In determining a majority vote for Council Member and Board of Education Members, the following formula will be used:

- (a) Total number of all votes for all candidates.
- (b) Divide by number of offices to be filled.
- (c) Divide by two (2) – candidates having votes equal to or more than the resulting number will have a majority.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 518 Tie Vote.

When a tie vote occurs in the primary election, candidates in a position to win or be included in a runoff will be placed in a runoff election. When a tie vote occurs in a runoff election and the candidates are in a position to win the election, another runoff election shall be held within seven (7) days, unless the candidates agree to resolve the matter by the toss of a coin.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

Sec. 519. Retention of Ballot Boxes and Election Results.

All ballots and all materials used in conducting the official count shall be placed in the ballot boxes immediately after the count is completed. Said ballot boxes shall be locked and the Secretary of the Chitimacha Tribal Election Board shall return them along

with all other election material, forthwith, to their rightful and secure place within the Chitimacha Tribal Courts Building or Chitimacha Tribal Police Department for a period of thirty (30) days. After, expiration of this time period, the ballots may be disposed of by the Chitimacha Tribal Election Board, if no contest is filed. The tally of each election and the results thereof shall be retained in the permanent records of the Chitimacha Tribal Election Board and the boxes shall remain secured at the Chitimacha Tribal Courts Building or some other secure location determined by the Chitimacha Tribal Election Board until the next election.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 520. Certifying Vote.

At the conclusion of the official count, the Chitimacha Tribal Election Board shall execute an official letter of results to be sent to the Area Director, Eastern Area Office, Bureau of Indian Affairs and to the Chitimacha Tribal Council, and post it in a conspicuous place within the Chitimacha Tribal Office Complex. When the results are posted, the Chitimacha Tribal Election Board shall also post a notice for the runoff election, if any.

When the Chitimacha Tribal Election Board has completed the official count or recount and determined the winners, if any, it shall be the duty of the Chitimacha Tribal Election Board Chairman to issue a certification of election to the winning candidates.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 521. Recounts.

(a) **Conditions for recount.** Any candidate defeated by a margin not exceeding one percent (1%) of the total votes cast for all candidates for the same office, or by a margin not exceeding seven (7) votes, whichever is greater, may file with the Chitimacha Tribal Election Board a request for a recount. The request shall be filed by 4:30 p.m. on the Monday following Election Day. The recount shall be without charge to the candidate.

(b) **Conditions for recount on a special election.** If the Tribal question at a special election is decided by a margin not exceeding one percent (1%) of the total votes cast for and against the issue, or by seven (7) votes, whichever is greater, the votes shall be recounted if requested by resolution of the Chitimacha Tribal Council presented to the Chitimacha Tribal Election Board by 4:30 p.m. on the Monday following Election Day.

(c) **Procedures for recount.** The Chitimacha Tribal Election Board shall conduct the recount within seven (7) days of receiving a qualified request and shall employ the procedures set forth in this Subchapter. Each candidate affected by a recount may be present at the recount, either personally and with, or by one (1) representative, and shall have full opportunity to witness the opening of the ballot boxes and the count of all ballots but shall not be allowed to touch or handle ballots or interfere with the recount. The actual recount is to be conducted by the Chitimacha Tribal Election Board.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 522. Election Disputes.

(a) A candidate who claims there were election procedure violations or irregularities which changed or could potentially have changed the outcome of the election in which that candidate was involved may initiate a contest of election by filing with the Chitimacha Tribal Election Board a written complaint duly certified under oath, setting forth a concise statement of the facts on which the contest is based and why those alleged violations or irregularities did change or could have changed the outcome of the election.

(b) A registered voter who voted in the election and who claims there were election procedure violations or irregularities which deprived them of their right to vote and claims that that occurrence changed or could have potentially changed the outcome of the election in which that voter attempted to vote may initiate a contest of election by filing with the Chitimacha Tribal Election Board a written complaint duly certified under oath, setting forth a concise statement of the facts on which the contest is based and why

those alleged violations or irregularities did change or could have changed the outcome of the election.

(c) No complaint shall be considered unless it is filed within ten (10) days immediately following Election Day and accompanied by a fee of fifty dollars (\$50.00).

(d) The Chitimacha Tribal Election Board will determine if the petition was properly filed and shall set a hearing date not more than seven (7) days from the date of filing the petition. Written notice shall be provided to the petitioner and a notice posted in the Chitimacha Tribal Office Complex identifying time, date, and place of hearing. The Chitimacha Tribal Council will also be notified and requested to attend. The Chitimacha Tribal Election Board will hear the dispute and render a decision, within seven (7) days of the hearing.

(e) Notice of the decision will be provided to the Chitimacha Tribal Council and the candidates affected. The Chitimacha Tribal Election Board is the final decision on appeals. There shall be no judicial review of Chitimacha Tribal Election Board appeal decisions except as provided in Sec. 404(b) of this Ordinance on election disputes filed under this Section.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Revised by Tribal Council: May 16, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 523. Oath of Office.

The oath of office shall be as follow:

I, _____, do solemnly swear that I will uphold and defend the Constitution and Bylaws of the Chitimacha Tribe of Louisiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation, and that I will serve and faithfully discharge the duties of the office on which I am about to enter, so help me God.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 524. Administering Oath of Office.

It shall be the duty of a designated Chitimacha Council Official, Chief Judge or appointee of the Chitimacha Tribe of Louisiana to administer the Oath of Office to all elected and re-elected Tribal Officers, Council Members, and Board of Education Members in accordance to Article VI, Section 5 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana. All Officers, Council Members, and Board of Education Members shall begin the tenure of their office upon being sworn in.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 525. Retention of Keys.

After all counts, recounts, and results are complete, the Chairman and Secretary of the Chitimacha Tribal Election Board shall return the ballot box keys to the Clerk of Court and sign an affidavit verifying that no other extra keys were made.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 6. SPECIAL ELECTIONS

Sec. 601. Vacancies on Council.

Should a vacancy occur for elected positions, the Chitimacha Tribal Council shall fill the vacancy according to Article VI, Section 6 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 602. Proclamation Required.

When a vacancy occurs, the Chitimacha Tribal Council will post a proclamation of the vacancy at the Chitimacha Tribal Complex and proceed to fill the vacancy.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 603. Special Elections on Tribal Questions.

Upon receipt of a petition from twenty percent (20%) of the registered voters according to Article VIII - Referendum of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, any proposed or enacted Ordinance or resolution of the Chitimacha Tribal Council shall be put to a popular vote in a special election. Also, upon receipt of the petition there will be a determination as to whether it meets the Constitutional requirements. If the Chitimacha Tribal Council by majority vote determines that the petition is valid, the Chitimacha Tribal Council shall fix a date for the special election and order the Chitimacha Tribal Election Board to conduct a special election on the Tribal question.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 604. Procedures.

The Chitimacha Tribal Election Board will follow in the procedures set forth in this Ordinance in conducting the election.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, and 622 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 7. ABSENTEE VOTING

Sec. 701. Qualified Voters.

Any person duly qualified and registered to vote under Sections 301 through 303 of this Ordinance who will be unable to cast their ballot on the day of election may vote by absentee ballot provided they are duly registered in accordance with Sec. 302.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

Sec. 702. How to Obtain an Absentee Ballot.

Persons requesting an absentee ballot must do so in writing by fax, email, regular mail, or in person. Those who are students, physically incapacitated, hospitalized,

actively serving in the Armed Forces may contact any Chitimacha Tribal Election Board Member by telephone, fax, email or mail. All request for an absentee ballot authenticated with the Chitimacha Tribe of Louisiana watermark seal. No person shall request absentee ballots for any other person(s). Only those voters who are students, actively serving in the Armed Forces, hospitalized, physically incapacitated or will not be present on the date of the election can receive an absentee ballot. All others will be required to cast their ballot at the designated polling place. In accordance with Section 510, persons who are handicapped or illiterate may have someone assist them in the voting process. However, each absentee ballot must be completed according to the enclosed instructions. Ballots not conforming these instructions will be considered spoiled and not counted. In order for the absentee ballot to be accepted, it must be accompanied with an Affidavit and valid photo identification, i.e., driver's license, Tribal identification, or passport.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 703. Delivery of Absentee Ballots.

Each absentee ballot to be mailed to the eligible voter or personally delivered to a homebound voter shall be sealed in an envelope along with a pre-addressed envelope to the Chitimacha Tribal Election Board, an envelope marked on the front “**ABSENTEE VOTER’S BALLOT**”, instructions for the return of the ballot, and the following affidavit:

I, _____, do solemnly swear that I am entitled to cast the enclosed ballot and duly qualified to vote by absentee ballot and understand that I am required to return said absentee ballot to the Chitimacha Tribal Election Board no later than Election Day at 6:00 p.m.

Voter’s Signature

The voter shall then mail the envelope or have the envelope picked up by a Chitimacha Tribal Election Board Member if it is from a homebound voter.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 704. Cut-Off Date for Return of Absentee Ballots.

No absentee ballots shall be counted unless received by the Chitimacha Tribal Election Board before the polls close on Election Day at 6:00 p.m.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 705. Record of Absentee Ballots.

The Chitimacha Tribal Election Board shall make and keep a record of absentee ballots cast. This record must contain the name of the absentee voter, address of the absentee voter, date of ballot issue and date of return if mailed or personally delivered.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 706. Handling Absentee Ballots.

All absentee ballots, when received, will be placed in the absentee ballot box under the supervision of the Secretary of the Chitimacha Tribal Election Board or designee.

All absentee voters presenting themselves in person to vote absentee shall sign the polling book at the time of voting and the election officer shall initial and designate the signature as an absentee vote. The voter shall then place the absentee ballot in the absentee ballot box.

Should an absentee ballot be lost, stolen or defaced, an affidavit or statement indicating same shall be filed with the Chitimacha Tribal Election Board prior to receiving a new absentee ballot or being allowed to cast a vote on Election Day.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 707. Counting of Absentee Ballots.

The absentee ballot will be counted according to the normal counting procedure on Election Day. The absentee ballot box will be opened and the ballots counted after the ballots from the voting machine and/or regular box are counted.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

CHAPTER 8. INTENT OF THIS ORDINANCE

The intent and purpose of this Ordinance is to establish procedures for fair elections and to ensure the secrecy and sanctity of the ballot. This Ordinance shall be construed to accomplish such purpose and intent. Problems of form shall not destroy the privilege of voting so long as the intent of the voter can clearly be determined based on the contents of the ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

(Sections 801, 802, 803, 804, 805, 806, 807, and 901 omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Sections 506, 507, 508 522(a) and 522(b) added by Ordinance #1-12; Adopted: December 18, 2012; Effective: March 12, 2013)

CHITIMACHA TRIBE OF LOUISIANA

TITLE X - ELECTION POLICIES AND PROCEDURES

I. PURPOSE AND OBJECTIVES

The purpose of these Chitimacha Tribal Election Board Policies and Procedures is to establish uniform guidelines for fair and consistent conducting of Tribal elections. These policies shall apply to all designated election workers as well as the Chitimacha Tribal Election Board. These policies shall act as a comprehensive guide to be used along with the Chitimacha Tribal Election Ordinance and in no way shall override or interfere with said Ordinance.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

II. BOARD RESPONSIBILITIES

It is the sole responsibility of the Chitimacha Tribal Election Board to ensure the fair and expedient conduct of Chitimacha Tribal Elections. All Chitimacha Tribal Election Board Members must conduct themselves in a manner as to instill public confidence in the process of elections. Accordingly, all members shall be required to execute a “*Confidentiality Agreement*” at the time of their appointment. Failure to comply with the Confidentiality Agreement, may result in their removal by the Chitimacha Tribal Council.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

III. BOARD OFFICERS

At the first meeting each year, the Chitimacha Tribal Election Board shall elect from its own members, a Chairman and Secretary.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

IV. MEETINGS

Meetings shall be called upon the request of the Chitimacha Tribal Council or any Chitimacha Tribal Election Board member/officer to ensure the proper conduct of the election. Notice of all meetings shall be provided to the appropriate parties. The Chitimacha Tribal Election Board Chairman or Secretary shall preside over all meetings of the Chitimacha Tribal Election Board.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

V. PUBLICATION OF ELECTIONS

The Chitimacha Tribal Election Board Secretary upon direction of the Chitimacha Tribal Election Board shall post or cause to be posted the Notice of Election. He/she shall also submit notice and election announcements for publication in the Chitimacha Tribal Newsletter.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

VI. VOTER REGISTRATION

It shall be the duty of the Chitimacha Tribal Election Board to properly register and record all voter registration.

This shall be done by having the individual complete and execute a voter registration form. The initial voter registration must be done in person. The Chitimacha Tribal Election Board shall then transfer this information to a computerized listing of registered voters. The actual form shall be maintained as supporting documentation for these entries in the designated file. Upon expiration of the voter registration deadline as stated in Section 302 of the Ordinance, this information shall be compared and verified by at least two (2) members of the Chitimacha Tribal Election Board to insure the accuracy of the list of registered voters to be used for the current election. The information of any person registering to vote after the three (3) week deadline prior to the primary or between a primary and run-off election shall be maintained separately and

entered into the list of registered voters after the completion of the current election process.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

VII. ELECTION PREPARATIONS

The Chitimacha Tribal Election Board shall cause to prepare all forms and notices required for the election.

If the votes are not to be cast by machine on Election Day or a Tribal issue is scheduled for determination and/or for the purpose of absentee voting, the Chitimacha Tribal Election Board will prepare and print at least one hundred (100) absentee ballots authenticated with the Chitimacha Tribe of Louisiana watermark seal prior to Election Day. When doing so, the Chitimacha Tribal Election Board shall take into consideration the number of registered voters, the type of election and number of voters at previous elections. Once this number is established, the Secretary of Election or designee, shall print or cause to print absentee ballots. Each ballot shall specify how it is to be completed and clearly state that any extraneous markings on the ballot will spoil the ballot. Ballots should not be printed sooner than one (1) week before elections or in the case of absentee ballots no sooner than one (1) week before absentee balloting begins. These ballots shall then be kept in a safe and secure place until needed for elections.

On at least the day before election, the Secretary or designee shall prepare the designated polling place for Election Day.

Certification of Absentee Ballots and Absentee Voting Ballot Boxes. For purposes of certification of the absentee ballots and absentee ballot boxes, the Clerk of Court or his/her designee and two (2) witnesses shall be designated to certify both the absentee ballots and absentee voting ballot boxes. These individuals shall not be related to the candidates in the form of an immediate family member as stated in the Chitimacha Tribal Policies and Procedures under Section 7.09, i.e., spouse or significant others, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, parent, step-parent, parent-in-law, grandparent, step-grandparent, grandparent-in-law, grandchild, step-

grandchild, sibling, step-sibling, sibling-in-law or any other person living in the same household.

Certification of absentee ballots and absentee ballot boxes shall be conducted during the week prior to the opening of absentee voting as scheduled by the Chairman of the Chitimacha Tribal Election Board at a date and time appropriate to all Chitimacha Tribal Election Board Members as well as the Clerk of Court or his/her designee. The three (3) absentee ballot boxes and keys held at Chitimacha Tribal Courts shall be brought to the Chitimacha Tribal Election Board Office or designated location by the Clerk of Court or his/her designee for the scheduled meeting to empty the absentee ballot boxes materials from the previous year election and count absentee ballots for the upcoming election. All information contained in the absentee ballot boxes from the prior year is shredded by a Chitimacha Election Board Member. Each designated witness shall verify the absentee ballot voting boxes are in fact empty and execute an affidavit certifying same.

At this meeting, an original absentee ballot will be prepared by the Chitimacha Tribal Election Board Secretary or a designated official of the Chitimacha Tribal Election Board. The Clerk of Court or his/her designee will certify that the original absentee ballot coincides with the names listed on the roster of election candidates. This individual will also certify whether there are any Constitutional amendments that are to be voted on and if so, shall read said amendment(s) thoroughly along with the Chitimacha Tribal Election Board Members. Once this is accomplished, one hundred (100) ballots are printed and counted by each Chitimacha Tribal Election Board Member and the Clerk of Court or his/her designee and two (2) witnesses as stated above. The certification forms are signed by the Chitimacha Tribal Election Board Members, Clerk of Court or his/her designee and two (2) witnesses. The absentee ballots are stored at the Chitimacha Tribal Election Board Office or its designated location and the absentee voting ballot boxes are to be picked up by a Chitimacha Tribal Police Officer with same to be held pending the onset of absentee voting.

Certification of Chitimacha Tribal Election Polls. The certification of the Chitimacha Tribal Election Polls will take place for the Primary Election at the Chitimacha Tribal School Library or location designated by the Chitimacha Tribal

Election Board on a date and time agreed to by the Chitimacha Election Board Members. There shall be two (2) machines reserved for each election.

During the certification process, the Clerk of Court or his/her designee shall verify the names of the individuals running for each office as well as read any Amendments placed on the ballot and compare them word for word and ensure all language is correct. The Chitimacha Tribal Election Board and Clerk of Court or his/her designee shall be allowed to place a “practice vote” to ensure the machines are operating properly. Once this is done, the Chitimacha Tribal Election Board and Clerk of Court or its designee shall verify the names of all individuals listed on the printed ballot from each machine with the tally of “practice votes” confirmed and certified with each Chitimacha Tribal Election Board Member and Clerk of Court or his/her designee affixing their signature on the pre-election ballots to certify same. The voting machine will then be zeroed with a ZERO count next to each candidate’s name then printed. A seal is affixed to the back of each voting machine containing a seal number for that particular machine. The seal number and the digital voting machine serial number of each machine are written on the election envelope next to each other. Each Chitimacha Tribal Election Board Member will sign and certify both of the pre-election results and the Clerk or his/her designee will certify the results and sign their name and title at the bottom of the printout. The Clerk of Court or his/her designee will then place the pre-election results in the envelope with the keys to each machine and store them at Chitimacha Tribal Courts Building or designated location in a locked filing cabinet or safe.

The Clerk of Court or his/her designee shall provide the Chitimacha Election Board Chairman with contact information in the event assistance is needed on the day of the election.

On the second Saturday of June at 7:30 a.m., the Clerk of Court or his/her designee shall bring the election envelope containing the keys of the digital election voting machines to the Chitimacha Tribal School Library or designated location. The Clerk of Court or his/her designee shall verify the seal number and the machine serial number of each digital election voting machine that it is consistent with the seal number and digital voting machine serial number which is written on the election envelope and

verify that the machines have not been tampered with. The Chitimacha Tribal Election Board Members and Clerk of Court or his/her designee shall then verify prior to the onset of election that each digital voting machine contains a ZERO count and the names of all individuals running for each office as well as read any Amendments placed on the ballot and compare same once again, word for word and that all language is correct. The keys will be placed in the election envelope and returned to Chitimacha Tribal Courts or designated location and stored in a locked filing cabinet or safe. The Clerk of Court or his/her designee will stay at the school until 8:00 a.m. when voting begins. No votes shall be casted before 8:00 a.m.

On the second Saturday of June at 5:30 p.m., the Clerk of Court or his/her designee shall bring the keys for each digital election voting machine and absentee ballot boxes to the Chitimacha Tribal School Library or designated location and remain with the Chitimacha Tribal Election Board until closing of the polls at 6:00 p.m. At this time, no individual shall be allowed to enter the Chitimacha Tribal School Library or designated location to cast a vote. Once all votes have been casted, the Chitimacha Tribal Election Board will proceed to tallying of the election results with the Clerk of Court or his/her designee remaining at the designated facility to witness the counting of the votes by the Chitimacha Tribal Election Board until completion of the results.

The election results shall be copied upon finalization of same and posted on the front door of every Chitimacha Tribal Office Building by the Chitimacha Tribal Election Board. The Chairman of the Chitimacha Tribal Election Board shall announce the election results to the general public.

The digital election voting machine keys and absentee ballot box keys shall be return to Chitimacha Tribal Courts or designated location and stored in a locked filing cabinet or safe until released by the Chitimacha Tribal Election Board.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

VIII. ELECTION DAY

The Secretary of the Chitimacha Tribal Election Board or designee will make sure all required equipment, supplies, and forms for the election are brought to the designated polling place. They include but are not limited to:

- (a) Ballot Boxes;
- (b) Poll Book;
- (c) Ballots;
- (d) Tally Sheets;
- (e) Election Result Form;
- (f) Certificate of Election Forms;
- (g) Paper for Listing Voters;
- (h) Pens and Pencils; and
- (i) Donuts and Coffee (Compliments of the Chitimacha Tribal Council)

The Chitimacha Tribal Election Board shall insure that all voters presenting themselves to vote are qualified registered voters. Only those whose name appears in the records of registered voters and present valid identification, specifically, a valid driver's license which includes a photo of the individual or other generally recognized photo identification card as described in Section 513 will be permitted to vote, no exceptions.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

IX. STORAGE OF ELECTION MATERIALS

The procedure for storing, retention, and disposing of any and all election materials and keys shall be in accordance with Section 520 of this Ordinance.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

X. DAYS DEFINED

“Days” as used in the Ordinance and these Procedures shall mean calendar days. A deadline date falling on a weekend or legal holiday shall be deemed to fall on the following business day.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)